

# MEMORANDUM

September 24, 2004

TO: THE LOS ANGELES COUNTY CLAIMS BOARD

FROM: RICKY IVIE  
Ivie, McNeil & Wyatt

ROGER H. GRANBO  
Principal Deputy County Counsel  
General Litigation Division

RE: **Dominic Emerson v. City of Hawthorne**  
**Torrance Superior Court Case No. YC 046821**

DATE OF  
INCIDENT: September 22, 2002

AUTHORITY  
REQUESTED: \$40,000

COUNTY  
DEPARTMENT: Sheriff's Department

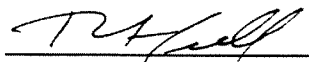
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## CLAIMS BOARD ACTION:


☒ Approve

☐ Disapprove

☐ Recommend to Board of  
Supervisors for Approval

  
\_\_\_\_\_, Chief Administrative Office  
**ROCKY A. ARMFIELD**

  
\_\_\_\_\_, County Counsel  
**JOHN F. KRATTLI**

  
\_\_\_\_\_, Auditor-Controller  
**MARIA M. OMS**

on November 1, 2004

## SUMMARY

This is a recommendation to settle for \$40,000, a lawsuit filed by Dominic Emerson, who was injured in an automobile accident with an employee from the Sheriff's Department.

## LEGAL PRINCIPLES

The County is responsible for the negligent and intentional acts of its employees when the acts are done in the course and scope of employment.

## SUMMARY OF FACTS

On September 22, 2002, at approximately 10:30 a.m., a Sheriff's Deputy was responding to a call to assist a City of Hawthorne Police Officer. The Sheriff's Deputy was traveling north on Prairie with his lights and siren on. At the intersection of Prairie and 120<sup>th</sup> Street, the Sheriff's Deputy entered the intersection against a red light and collided with a Hawthorne police vehicle that entered the intersection on a green light. Dominic Emerson was a passenger in the back seat of the Hawthorne Police vehicle and was not wearing a seat belt.

Dominic Emerson was transported from the scene to Robert F. Kennedy Hospital where he was treated for a laceration to his right knee, neck pain, right shoulder pain, and right elbow pain. It was subsequently discovered that Dominic Emerson had a torn meniscus in his knee which may require surgery.

The ensuing traffic investigation concluded that the Sheriff's Deputy was the cause of the accident for failing to properly clear the intersection.

## DAMAGES

Should this matter proceed to trial, the potential damages could be as follows:

Lost Earnings	\$ 42,000
Medical Expenses	\$ 18,000
Pain and suffering	<u>\$ 50,000</u>
Total	<u>\$110,000</u>

The settlement calls for the County to pay \$40,000 to Dominic Emerson for all claims for damages, costs, and attorney fees. The City of Hawthorne, which is a co-defendant in the case, will contribute \$10,000 for a total settlement of \$50,000.

## STATUS OF CASE

The trial court proceedings have been suspended pending consideration of the proposed settlement.

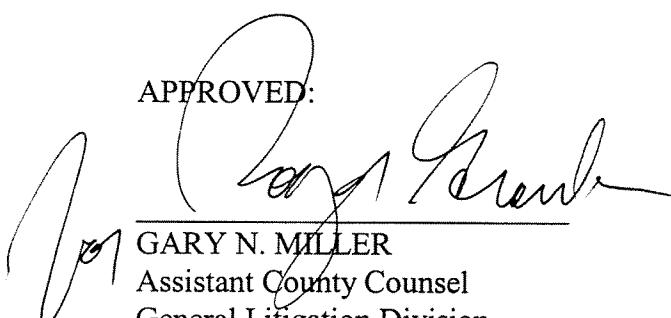
Expenses incurred by the County in defense of this matter are attorney fees of \$6,357, and \$895 in costs.

## EVALUATION

This is a case of probable liability. The Sheriff's Deputy failed to safely enter the intersection, which caused the collision. A reasonable settlement at this time will avoid further litigation costs, and a jury verdict that could exceed the proposed settlement.

We join with our private counsel, Ivie, McNeill & Wyatt, and our third party administrator, Carl Warren and Company, in recommending a settlement of this matter in the amount of \$40,000. The Sheriff's Department concurs in the recommendation.

APPROVED:



GARY N. MILLER  
Assistant County Counsel  
General Litigation Division

RHG:JAS:mp